

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHAEL EDWARD JOHNSON,

Plaintiff,

vs.

UNION PACIFIC RAILROAD CO.,

Defendant.

8:23CV216

TRIAL SETTING ORDER

This matter is before the Court following a planning conference held with counsel for the parties on July 12, 2024, before the undersigned magistrate judge and on the Joint Motion to Extend Amended Case Progression Order ([Filing No. 51](#)). In accordance with the matters discussed during the planning conference and for good cause shown,

IT IS ORDERED that the Joint Motion to Extend Amended Case Progression Order ([Filing No. 51](#)) is granted as follows:

- 1) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is extended to **August 9, 2024**.
- 2) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is extended to **August 9, 2024**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **August 23, 2024**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 3) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is extended to **August 26, 2024**.
- 4) The deadline for filing motions to dismiss and motions for summary judgment is extended to **September 23, 2024**.
- 5) The Final Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **March 31, 2025**, at **10:00 a.m.**, and will be conducted by video conferencing. Video conference instructions are found under separate order. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov in Word format, by **3:00 p.m. on March 24, 2025**.

- 6) The jury trial of this case is set to commence before Joseph F. Bataillon, Senior United States District Judge, in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **8:30 a.m.** on **May 5, 2025**, or as soon thereafter as the case may be called, for a duration of **five (5)** trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 7) Motions in limine and motions seeking pretrial evidentiary hearings regarding the admissibility of evidence shall be filed no later than **twenty-eight (28)** days before trial.
- 8) Each party may file no more than five (5) motions in limine. Motions for leave to file additional motions in limine should be directed to the trial judge.

Dated this 12th day of July, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge